Justice of the Peace
and
LOCAL GOVERNMENT REVIEW
ESTABLISHED 1837
[Registered at the General Post Office as a Newspaper]
LONDON:
SATURDAY, MAY 4, 1957
Vol. CXXI No. 18 PAGES 271–285
Offices: LITTLE LONDON, CHICHESTER, SUSSEX
Chichester 3637 (Private Branch Exchange).
Showroom and Advertising:
11 & 12 Bell Yard, Temple Bar, W.C.2.
Holborn 6900.
Price 2*s.* 3*d.* (including Reports), 1*s.* 3*d.* (without Reports).

CONTENTS

REPORTS

NOTES OF THE WEEK

Consensual Separation and the Question of Maintenance

There have been suggestions that it was difficult to reconcile the decisions in *Baker* v. *Baker* (1949) 66 (pt. 1) T.L.R. 81, and *Tulip* v. *Tulip* [1951] 2 All E.R. 91, on the question of a wife's claim to a maintenance order when she and her husband parted by mutual consent. The matter has been elucidated by the case of *Pinnick* v. *Pinnick* [1957] 1 All E.R. 873, heard by Lord Merriman, P., and Collingwood, J., on an appeal from an order made by justices.

The parties had parted by mutual consent, and there had been no agreement, either expressed or implied about the payment of maintenance. The wife subsequently summoned her husband for neglect to maintain, and the justices made an order.

The appeal was allowed. The court laid it down that the question of the financial arrangements at the time of the separation was distinct from the question whether some fresh need of the wife and notice thereof to the husband had occured so as to entitle the court to find wilful neglect to maintain in spite of those terms. The judgment included an exhaustive review of a number of earlier cases.

Though the appeal was allowed, the court expressed approval of the way in which the justices had tried the case, which was of some difficulty, and of the clear way in which the evidence was recorded and the reasons for the decisions were stated.

Keeping Observation

The police are not the only people who keep observation, though they do it better than anyone else. The *Newcastle Journal* recently reported an instance of useful observation by a member of the public. A crossing keeper employed on the railway noticed a van coming and going day after day over a period of a fortnight and remembered its number, possibly because he had his suspicions that all was not right. At all events, when the police were inquiring about the theft of scrap metal from nearby he was able to give them an account of what he had seen. The sequel was that a man was charged with the offence, pleaded guilty, and was fined.

Some people are naturally more observant than others, and many have to concentrate so closely on the work they are doing that they have little chance of looking about them. At all events, there are occasions like this one when the fact that a man pays attention to what is going on around him and takes the trouble to make a note of it, even if it be only a mental note, may prove of value if what he has seen and noted becomes important.

Criminal Justice Act, 1948, s. 22

The Court of Criminal Appeal decided in *R.* v. *Rogers* [1953] 1 All E.R. 206; 117 J.P. 83, that in s. 21 of the Criminal Justice Act, 1948, the references to convictions on previous occasions are to convictions each at a separate court and that two convictions at the same sessions or Assizes or at the same sitting of a court of summary jurisdiction will not count. It was pointed out that the same construction must be applied to s. 22.

The Court of Criminal Appeal dealt with a s. 22 case on April 15 in *R.* v. *Perfect*. The appellant had been convicted by a magistrates' court and committed to quarter sessions for sentence. Quarter sessions passed a sentence of imprisonment and made an order under s. 22. Leave to appeal against sentence was granted in respect of that order.

In the course of delivering the judgment of the Court the Lord Chief Justice said the appellant had been convicted in August, 1952, and put on probation for two years. In August, 1954, he was convicted at the same court of a further offence committed during the period of probation. He was then sentenced on the same day, in respect of the original offence and the further offence, the two sentences to run concurrently.

Lord Goddard pointed out that a conviction, when a probation order was made, did not rank as a conviction. The appellant was sentenced at the sessions in August, 1954, when he was convicted of a subsequent offence. The reasoning in *R.* v. *Rogers, supra,* applied, and the order under s. 22 would be quashed.

Clerks of the peace will note that the court added that it would be convenient when there was an appeal against sentence where an indictable offence tried summarily had been sent to the sessions for sentence under s. 29 for the committal order with the sentence endorsed thereon to be sent to the court for rectification if the sentence was altered just as was done with an indictment.

Foreign Divorce and English Maintenance Order

In our note on the case of *Wood* v. *Wood* at p. 703 of last year's volume, we referred to the fact that on the face of it the merits were on the side of the wife, although the Divisional Court felt bound by earlier authorities to decide against her.

That decision has now been reversed by the Court of Appeal, reported at [1957] 2 All E.R. 14. The Court held that dissolution of marriage, whether by decree of an English or of a foreign court and whether at the suit of the husband or of the wife, did not of itself put an end to a maintenance order, and the discretion under s. 7 of the Summary Jurisdiction (Married Women) Act, 1895, to vary a maintenance order therefore survived a dissolution of the marriage. Lord Evershed, M.R., referred to the "true foundation" of the decision in *Bragg* v. *Bragg* [1925] P. 20, and added that he did not doubt that the proved incidents of the foreign decree, so far as relevant to questions of maintenance (including convenience) would be matters proper to be taken into account in the exercise of the discretion. The survival of the jurisdiction and the discretion were not affected by the question whether (save in cases where the wife has committed adultery) the divorce is obtained at the suit of the wife or of the husband, although, again, the grounds on which the decree was obtained would clearly be circumstances most relevant to the exercise of the discretion. Hodson, L.J., criticized in part the decision in *Mezger* v. *Mezger* [1936] 3 All E.R. 130 ; 100 J.P. 475, and expressed the opinion that the court was entitled to look at the grounds of the foreign divorce.

The Court held that in these circumstances, and as the foreign divorce showed no matrimonial offence in English law on the part of the wife, the stipendiary magistrate had rightly exercised his discretion in refusing to discharge the order and in varying its amount.

As is stated in the editorial note to the report, a distinction is drawn between on the one hand matters of status and on the other hand matters of personal right and obligation flowing from a decree ; for the English court accepted the foreign decree as ending the status of marriage, but did not accept that it discharged existing personal rights under the maintenance orders.

Conduct Conducing to Matrimonial Offence

In *Postlethwaite* v. *Postlethwaite* [1957] 1 All E.R. 909, Willmer, J., had to consider what he believed to be the first case in which a plea of wilful neglect and misconduct conducing had been raised in answer to an allegation of desertion. By s. 4 (2) (*iv*) of the Matrimonial Causes Act, 1950, it is enacted that the court shall not be bound to pronounce a decree if in the opinion of the court the petitioner has been guilty where the ground of the petition is adultery or unsoundness of mind or desertion, of such wilful neglect or misconduct as has conduced to the adultery or unsoundness of mind or desertion. In this case the husband petitioned on the ground of his wife's desertion. By her answer she denied desertion and pleaded in the alternative, that if her conduct amounted to desertion it was conduced to by the wilful neglect and misconduct of the husband. The misconduct complained of was found by the learned Judge to consist mainly of trivial incidents, falling short of conducing and he granted a decree accordingly.

The learned Judge referred to the area described by counsel as "no man's land," between that which is a grave and weighty matter, such as would amount to just cause, on the one hand, and that which, on the other hand falls within the well-known phrase "the ordinary wear and tear of married life." Small and trivial matters of the latter class had no legal significance. The Judge said this was very much a question of fact or, as he might put it, a jury question, which accordingly he tried to approach on that basis.

Food Hygiene

The Food Hygiene Regulations have now been in force for over a year. They have been given wide publicity and there have been a few prosecutions. There is evidence of a considerable improvement in matters of cleanliness and protection from contamination, although there is room for still further improvement in some places. It is satisfactory to see that many fishmongers' and butchers' shops have adopted measures for protecting their goods, and to observe the increasing use of covers for various other kinds of provisions.

In the related matter of food for animals, the Ministry of Agriculture, Fisheries and Food announces the making of the Diseases of Animals (Waste Foods) Order, 1957, which will come into force on June 1. The object of the order is to reduce the risk of spreading foot and mouth disease and other animal diseases. Substantial collectors of waste food, other than local authorities, must be licensed.

The order provides that, in general, every collector of waste foods must boil the material in a licensed plant before feeding it or redistributing it for feeding purposes.

Licences will in future be issued by local authorities dealing with the diseases of animals (*i.e.*, county councils, county borough councils and some borough councils).

There is no change in the rule that no person (whether or not a collector) may feed unboiled waste foods or allow animals or poultry to have access to such material. There is an additional requirement that unboiled waste foods must not be allowed to come into contact with boiled material.

The Reluctant Probationer

When an offender shows no intention of responding to offers of help it is generally useless to put him on probation. He might express willingness to comply with requirements, but if neither the court nor the probation officer sees any real hope of his co-operation it is better to adopt some other method. It is quite different, however, when the offender appears to be stupid rather than obdurate or half-hearted and suffers from wrong ideas about probation itself and about probation officers. Then it may be worth while to explain matters and even to be persuasive.

The *Liverpool Daily Post* reported a case in which Southport magistrates argued and explained for 20 minutes before making a probation order. The defendant, an unemployed man, was convicted of assaulting a police constable, and he is reported as saying "I will do six months, and when I come out I will pull up my socks." To this the clerk replied by asking if he could not do that without going to prison, as the magistrates had other ideas. To a suggestion by the chairman that the probation officer might be able to help him the man replied "What will he do ? Give me half-a-dollar ? " The chairman told him that the probation officer might

be able to find him a job and get him some decent clothes, and then the man agreed to be put on probation for two years.

In this instance the bench took pains to save the offender from himself. He might easily have gone to prison and have had nobody but himself to thank. As a probationer he will have a better chance of a really good job than he would have had as an ex-prisoner, though no doubt he was confident of getting a job of some sort. The public will not have to pay for his keep in prison, and the probation officer will perhaps be able to convince him that probation is something far better than a small charitable dole.

Justices' Expenses

Mr. W. R. Blyton, member for Houghton-le-Spring, recently asked the Secretary of State for the Home Department if he was prepared to bring in legislation to provide expenses and loss of wages for magistrates attending the quarter sessions. Mr. Butler's answer was in the negative, and he cited the 1948 report of the Royal Commission on Justices of the Peace (cmd. 7463) in support of his opinion.

It will be remembered that the Royal Commission examined the expenses of justices under the three heads of travel, subsistence and loss of remunerative time. Evidence was taken from organizations representing the local authorities, from the Director of Public Prosecutions, from the Magistrates' Association, and from various other witnesses. There was substantial support for the application to justices of the expenses allowances to be paid to members of local authorities: the Magistrates' Association, however, while agreeing to payment of travelling expenses, did not think it desirable to make payments for loss of remunerative time.

The Commission endeavoured to obtain from each justice an estimate of his annual expenditure for travelling in the performance of his duties, and whether such travelling was normally by private car. But the questionnaire was not really useful: as the Report dryly says: "We did not anticipate much accuracy in the estimates of travelling expenses, but the large number of returns of 'no expenditure' are so inconsistent with the figures showing the number of private vehicles used that we have thought it best to disregard these estimates."

The Royal Commission agreed with the Magistrates' Association. They thought that the cost of travel is an out-of-pocket expense which should be reimbursed, but that the same could not be said of payments for subsistence or for loss of remunerative time. Of subsistence they said that in practice it would seldom amount to more than a claim for payment of the cost of a mid-day meal away from home, which in any case is not serious because wherever the justice is his mid-day meal must cost something. In reference to payment for loss of time they referred to the unique position of the justice of the peace: he is selected by a Minister of the Crown and his most important duty is to sit in judgment on his fellow citizens. If this duty is to be satisfactorily fulfilled, the justice must be respected by the community and his impartiality and independence be generally recognized. The Commission were satisfied that this is so and felt that the general knowledge that the work of a justice involved some self sacrifice and loss was one of the important factors influencing opinion. They did not agree that lack of remuneration was depriving the public of the services of any considerable number of able and suitable persons.

Mr. Butler reminded his questioner that the view of the Royal Commission was accepted by Parliament when the Justices of the Peace Act was passed in 1949 and said, "I still think that it was the right conclusion."

Removal of Vehicles (England and Wales) Regulations, 1957

Section 6 of the Road Traffic Act, 1956, enlarged the regulation making powers of the Minister of Transport and Civil Aviation under s. 59 of the 1930 Act. Previously the police could remove vehicles only if they had broken down, been abandoned or been left in a dangerous position on a road. The regulations under s. 59 (*c*), as amended by s. 22 of the 1934 Act, were the Removal of Vehicles Regulations, 1938 (S.I. 1938 No. 79). These are revoked, from May 1, 1957, by the Removal of Vehicles (England and Wales) Regulations, 1957 (S.I. 1957 No. 675) which come into force on that date.

Regulation 3, which by reg. 3 (*i*) applies to a vehicle which

(*a*) has broken down or been permitted to remain at rest on a road in such a position or in such circumstances as to be likely to cause danger to other persons using the road, or

(*b*) has been permitted to remain at rest in contravention of any relevant statutory prohibition or restriction, or

(*c*) has broken down or been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to cause obstruction to other persons using the road authorizes a constable to require the owner, driver or person in control or in charge of the vehicle to move it or to cause it to be moved. The requirement may include a requirement not to move it to any such road or to such a position on a road as may be specified.

Failure to comply with such a requirement is an offence with a maximum penalty, on summary conviction, of £20. For the purposes of para. (*b*) above a vehicle which has broken down and remained at rest for any period is to be treated as if it had been permitted to remain at rest in that position throughout that period.

Regulation 4 gives power to a constable to remove a vehicle or to arrange for it to be removed from a road or to move it or to arrange for it to be moved to another position on that or another road if it is a vehicle

(*a*) to which reg. 3 applies, or

(*b*) which, having broken down on a road, appears to have been abandoned, or

(*c*) which has been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to appear to have been abandoned.

The powers given by reg. 4 are not to be exercised in the case of a vehicle only because it is one to which para. (*c*) of reg. 3 (1) applies unless the constable thinks that the vehicle is so near a road junction as to interfere with the passage of other vehicles at or near that junction, or that it is so far from the edge of the carriageway or so near another vehicle that the space available for the passage of other vehicles along the road is unduly restricted.

A constable removing or arranging for the removal of a vehicle from a road is to make such arrangements as may be reasonably necessary for its safe custody.

The expression "relevant statutory prohibition or restriction" is defined in reg. 1 (2) (*c*) as a prohibition or restriction contained in, or having effect under, any of the enactments mentioned in the schedule to the regulations. This schedule cannot be adequately summarized, and is too long to reproduce here.

Penalties for Driving Whilst Under the Influence of Drink

Everyone is agreed that the offence of driving a motor vehicle whilst under the influence of drink is a serious one. Parliament, in the Road Traffic Act, 1956, has emphasized this fact by increasing the punishment which courts may impose so that, for a first offence, a magistrates' court may order a fine not exceeding £100 and/or imprisonment for four months and for a second or subsequent offence a fine not exceeding £100 and/or imprisonment for six months. The alterations made by s. 26 (1) (*d*) of the 1956 Act were to increase the maximum monetary penalty for a first offence from £50 to £100 and to make the offender liable to both fine and imprisonment, and, for a second or subsequent offence, to increase the maximum imprisonment to six months. Moreover, on conviction on indictment an offender is now liable to imprisonment not exceeding two years, instead of six months as formerly.

Without hearing all the evidence which was given to the court no one can properly express a considered opinion as to the adequacy of any sentence imposed. We read in *The Birmingham Post* of April 10, a report of a case in which a man who was for the third time convicted of an offence under s. 15 of the 1930 Act was fined £100 and ordered to pay £4 14*s*. 6*d*. costs. He was disqualified for 12 years. On the two previous occasions he had been fined £25 and disqualified for two years and fined £100 and disqualified for five years, respectively. Having regard to the recent increases in the punishment which can be awarded he may well, on this third occasion, consider himself fortunate not to be serving a prison sentence. This last offence, according to the report, was committed at night and a police officer said that the defendant when committing this offence was also driving without lights. The report states that the defendant maintained at the time that the lights were on.

Double White Lines

We referred at 121 J.P.N. 16 to the experiment which is to be tried on the London – Folkestone – Dover (A.20 and A.259) and the London – Portsmouth (A.3) roads of using double white lines at places where visibility is restricted, such as bends, humps or dips in the road, or where there is some hazard such as an island to be avoided. A Ministry of Transport and Civil Aviation press notice dated April 11, 1957, calls attention to the fact that on these two roads the marking is now nearly complete. The A.A. and the R.A.C. are co-operating in the experiment and they have put up notices drawing attention to the markings.

Our readers may like to be reminded that the basis of the scheme is that where it is considered that a driver cannot see for a safe and reasonable distance, or where he must avoid a hazard, the line nearer to him is a continuous one. It will sometimes be the only line, but wherever it is continuous a driver must not allow his vehicle to cross that line or to wait there. When visibility is no longer restricted, or when the hazard is passed, the continuous line nearer the driver is replaced by a broken line. He is then not concerned with a continuous line, if there be one, on the further side as this is intended to control drivers coming in the opposite direction and to warn them not to cross it. But even the broken line is still a warning to drivers and they must remember *not* to cross it unless they can see that the road ahead is clear and that it is safe for them to do so.

Motorists are asked to co-operate in making the experiment a success, that is to say an aid to greater safety on our congested roads. If the experiment is a success similar markings will be used on other roads.

At the moment failure to act in accordance with the markings will not be, of itself, an offence. On this point the press notice says "this will be decided in the light of the effect of the experiment both on behaviour and on accidents."

Bicycles with Engines, and Motor Bicycles

In this country a motor assisted cycle is a motor-cycle so far as the legal provisions relating to the latter vehicles are concerned. It is suggested in an article in the *Manchester Guardian* of April 6, that consideration might well be given to making special provisions for vehicles of the former kind, as recommended in 1949 by the United Nations Conference on Road Transport. Their suggestion was that bicycles fitted with auxiliary engines having a cylinder capacity of less than 50 c.c. "should not be considered as motor vehicles." The article in question states that most countries in Western Europe have acted upon this recommendation in one way or another. In some countries no driving test is required to authorize a person to ride such a vehicle, and other countries put them in a special class. It is stated in the article that the British Cycle and Motor Cycle Industries Association considers that both the public and the bicycle industry suffer from our failure to differentiate between the power assisted bicycle and its big brother, the motor bicycle proper. We have not seen the memorandum which the Association has published but in the view of the *Manchester Guardian* the industry has a case that merits consideration.

The one point which does impress us is that under the present system anyone who passes a test on the assisted bicycle obtains a licence which authorizes him to drive the much more powerful and more dangerous motor-cycle. It can be argued, of course, that there is not very much difference between this state of affairs and that which exists when a car driver passes a test on an antiquated Austin 7 (we mean no disrespect to these sturdy vehicles) and becomes entitled to drive the latest super sports model.

Another point made is that the need to test the assisted bicycle rider adds greatly to the length of the queue of drivers waiting to be tested. It is suggested that the practice adopted in Western Germany might be considered for adoption here. There the bicycle industry has agreed to construct machines which require no driving test in such a way that they cannot exceed 40 kilometres an hour (24.3 miles an hour). It is said that the British industry declares itself ready to consider this proposal. There is no doubt that there is a great demand for these low-powered vehicles, and provided that they can be kept to a low speed (not much in excess of that which the unassisted machine with a vigorous rider can achieve) there seems to be a good deal to be said for putting them into a class by themselves. We should like, however, to hear any arguments on the other side before coming to a conclusion on the point.

Abhorred Shears

Nottingham was one of the towns where difficulty arose a year or two ago, about the employment of persons of colour in municipal transport. According to local newspapers, the influence of the then Labour leader of the council had to be brought to bear, to induce the platform crews to work with coloured immigrants. It looks as if the first difficulties, which presumably were economic, have been overcome, for the national press is now able to concern itself with another Nottingham problem which seems new, namely whether the

conductor of a bus may wear a beard. Reference to bound volumes of *Punch* will show that, when omnibuses themselves were new, their conductors, like footballers, cricketers, and many other types of men who are nowadays clean shaven, would have worn a beard and whiskers. On the occasions when some antiquated vehicle is taken out of service and sentimental people arrange a pageant for its final run, the illustrated newspapers often show drivers and conductors made up to look like the men who formerly had charge, and their fancy dress is likely to include a beard. We do not know when transport at Nottingham was taken over by the council; presumably later than the time when safety razors came into common use—at any rate, the chairman of the transport committee is reported to have stated that a bearded conductor had never been employed: "it was felt (he said) that we should not make a departure from that practice."

In order that the practice might not seem entirely capricious, the chairman gave a reason: many women do not like beards, and children are sometimes frightened by them. The chairman should know what the travelling public think at Nottingham, but the reason hardly seems convincing, now that beards have come into use again among so many students and other young men in other towns. We suspect that what really happened was that a subordinate refused to engage the bearded man unless he shaved, and that the transport committee, hearing of the matter afterwards, thought it right to support their official, on the same principle as the Secretary of State for War would in the House of Commons support a sergeant-major who ordered a recruit to have his hair cut.

The matter is trivial upon the face of it, and has been properly treated in a jocular spirit by the national press. It is, however, not entirely trivial. There is first the general question how far an employer, municipal or other, has a right to govern a man's personal appearance, when this does not affect performance of his work. Let it be granted that, in the armed forces and perhaps the police, uniformity of hair-dressing is accepted as desirable. Nor would it be unreasonable for a restaurant proprietor to expect conformity with custom, and in private domestic service such a restriction would in other days not have been unusual. When Jolyon Forsyte employed a bearded butler this was regarded as eccentric: the man was referred to as "that nonconformist" by other members of the family, and suspected of pilfering. Such considerations do not apply to an omnibus driver or conductor. Secondly, there is a point in this case which we have kept till last. The man in question is a Sikh, for whom the wearing of a beard is a religious duty. Refusal by a public authority in England to give him work unless he shaved could be represented in the Indian press as an attack on one of the main Indian religions, in a manner parallel to the story put about in India a century ago, of cow's grease and pig's grease alleged to be put in cartridges which Sepoys would open with their teeth.

It is conceivable that an employer, particularly a transport operator, might on rare occasions be compelled to exercise discrimination on grounds connected with the religion of the employee. It may be doubted whether Jews often become bus drivers or conductors in this country; if they did so, it might be unavoidable to discriminate against a man whose strict observance of the Sabbath interfered with the normal turns of duty. The same might happen with some Christians who took a strict view about Sunday work. (A generation ago such scruples were common, even amongst people who were not assiduous churchgoers or otherwise noticeably earnest. It is perhaps doubtful whether scruples would be often found today, amongst young men and young women seeking employment in transport undertakings.) We suppose that with good will on the part of fellow employees and managements exceptional cases of sabbatarian scruple could be met. The Sikh's beard and long hair, and incidentally the turban which is needed to keep his uncut hair in place, would be present every day. There seems nothing to be done other than to accept them, as exceptional but harmless.

SEXUAL OFFENCES *

The volume edited by Dr. Radzinowicz makes a notable addition to the English Studies in Criminal Science which have been published in recent years under the auspices of the Department of Criminal Science of Cambridge University of which Dr. Radzinowicz is the Director.

In an illuminating preface the editor tells us that the book records the results of an inquiry initiated in 1950 and carried out in 14 districts of England and Wales, representing both agricultural and industrial communities. ". . . it has been conducted upon a broad enough basis to allow wider conclusions to be drawn by reason of the number of cases examined . . . In each area and in each individual case, no effort has been spared to collect and digest data from every official source of information which was thought to be relevant to the purpose of the inquiry. In this way over three thousand cases involving heterosexual and homosexual offences, both indictable and not indictable, were subject to a systematic scrutiny."

This claim to comprehensiveness is certainly substantiated in the lucid and well-arranged chapters which follow, tackling the subject from every conceivable angle, and setting the criminal law in its perspective in a social context which extends to other countries besides our own.

The statistical background is sufficiently challenging to make the study of this book, and the constructive comment which supports its factual framework at every point, an urgent duty for all who have social welfare at heart. Now that the absurd panoply of mystery and mock-modesty which has shrouded the subject in the past has been demolished by a series of social pressures which are themselves worthy of separate study, we can pursue such an inquiry in the sure knowledge that we are grappling with a fundamental aspect of human relations. Every sexual offence, minor and major, issues from a faulty view of human relationships. Each is a symptom of disharmony, personal and social. It is the task of the community, using every specialized agency available—

*Sexual Offences: A Report of the Cambridge Department of Criminal Science. Ed. by L. Radzinowicz, LL.D. Macmillan and Co., Ltd. Price 63*s*.

The Psychopathy of Prostitution. By Edward Glover, M.A., LL.D., I.S.T.D. 8, Bourdon Street, Davies Street, London, W.1. Price 1*s*. 6*d*.

The Problem of Homosexuality. Ed. by Edward Glover. Pub. Idem. Price 3*s*.

religious, psychiatric, medical, legal—to preserve ordered, sane relationships between the sexes, and to heal the wounds caused by sexual aggression in whatever form.

Slowly, but inevitably, society is coming to see that mere severity of punishment can never achieve personal re-integration. To quote Dr. Radzinowicz: "Though there is a feeling that the traditional punitive measures are insufficient in themselves to deal with the problem of sexual delinquency, not much has been evolved in the way of constructive alternatives. In these circumstances probation, especially for first offenders and where combined with medical treatment, acquires a particular significance." The problem for the courts, of course, is the extent to which long-term treatments can be allowed to displace immediate deterrents. A valuable series of graphs and tables shows clearly enough that the sheer volume of cases coming before the courts has never been so great as now: ever since the war the total has mounted steadily, whilst compared with the position obtaining in 1938, the contemporary situation seems alarming. The possible reasons for this increase are left largely unexplained; but it is made clear that it is highly probable that more cases are reported than formerly. Even so, one feels that the amount of sexual crime has risen absolutely—a particular form of aggression flourishing in an age of unparalleled aggression.

The plan of this book allows an exhaustive examination of every kind of disposal of convicted sexual offenders: probation, fine and imprisonment, and from this we are led to an analysis of results which is highly interesting: the reader will find the summary on pp. 315 *et seq.* most thought-provoking. Next we are invited to consider the present state of the law: (by some miracle the book includes the Sexual Offences Act of 1956), and the vexed problem of evidence is expertly probed. Finally, there are reviews of recent suggestions for amendments of the law, and of the situations obtaining in other countries.

The editor's method merits the attention of aspirants eager to overlay scientific study with specious argument: here there is a total absence of adventitious chatter. The facts are impressively marshalled, and commentary is directed solely to their fuller comprehension. The price of the book should daunt no one: a cheap presentation of such a survey would be unthinkable, and the publishers have rightly accorded Dr. Radzinowicz the compliment of a splendid format. This is one of those rare books which can honestly be described as an investment.

Dr. Glover's pamphlet on the Psychopathology of Prostitution is of necessity highly compressed. But the thinking is profound and the approach original. So many ambitious studies of this subject have been spoiled by sensationalism and shallow observation that one is relieved to find the matter discussed dispassionately in terms of human relationships as a whole. Dr. Glover is convinced that prostitution can never be adequately comprehended without full regard to the male contribution to what is, after all, a relationship, even if distorted and fleeting: "We cannot emphasize too strongly that the problem . . . is two-sided. You cannot accurately measure any sexual problem unless you take into account the reciprocal relationships existing between the parties to the situation."

Throughout his argument Dr. Glover returns to this relationship concept. Thus he sees the emergence of the youthful prostitute as a product of faulty parenthood and of insecure affection. But he is careful to point out that psychological conditions peculiar to the individual must also be present: it is these which pre-determine a disastrous reaction to bad example: "it is not surprising to find that many psychopaths are prostitutes and that close observation of many apparently 'normal' prostitutes uncovers the existence of a number of psychopathic traits."

Some cogent paragraphs directed to the problem of treatment deserve close study. Dr. Glover is not of the company who would allow the specialist to usurp the social conscience. "It is no part of a psychologist's duty to grasp at administrative dictatorship . . . the ultimate responsibility for dealing with this problem lies in the social conscience of the community."

If the pamphlet just reviewed shows the advantage of allowing an expert and compassionate intelligence to play upon a controversial theme, *The Problem of Homosexuality* reveals with equal clarity the disadvantages of attempted compromise. Here Dr. Glover is confined to an editorial role, and it is apparent from the material presented that differences of viewpoint were so substantial that the resulting memorandum could only be indeterminate.

Loose statements abound: ". . . one of the professed aims of religion," we are told, "is to deal with sin." Really! It is not religion which "deals with sin": it is the God to whom the religion points. It is remarkable that the distinguished committee who presented this memorandum should have become enmeshed in a confused argument about the distinction between crime and morality. Their intention seems to be to establish that because homosexual acts are immoral they should not be treated as crimes. But morality is wider than sexual morality, which is but a part of the whole. It is immoral to steal, yet no one complains that larceny is a crime and punishable by the courts.

It is not surprising that false premises should lead to odd conclusions. We are invited to contemplate the establishment of an "age of consent" for homosexual intercourse. Many would dissent from those who would consider this an enlightened step.

The memorandum discusses homosexuality as though it were exclusively a psychiatric problem. Again, we venture to suggest the possibility of another approach at least as rewarding (for little hope is given in these pages): has not the physiologist a positive contribution to make? The functioning of the endocrine glands is surely a relevant factor in the homosexual chemistry.

G.C.

ADDITIONS TO COMMISSIONS

NEWARK BOROUGH

Mrs. Ida MacDonald, 1 The Park, Newark, Nottinghamshire.

STOKE-ON-TRENT BOROUGH

Allan Bert Bailey, 237 Sandon Road, Meir.
Thomas Bancroft, 12 Mill Hayes Road, Burslem.
William Henry Edge, 22 Haydon Street, Basford, Stoke-on-Trent.
Gordon Holdcroft, 13 Grosvenor Place, Wolstanton, Newcastle, Staffs.
Mrs. Constance Winifred Salt, 590 High Lane, Tunstall, Stoke-on-Trent.

WEST SUSSEX

John Edgar Humphrey, 9 Offington Gardens, Worthing.
Mrs. Joan Jackson, Thatchly, Fulking, Henfield.
Mrs. Olivette Lilian Marsh, 22 Hillside, Southwick.
William Lord Steel, 152 Littlehampton Road, Worthing.
Horace Douglas Steele, Kinfauns, Honeysuckle Lane, High Salvington, Worthing.

THE REFRESHMENT HOUSES ACT, 1860
NOTES ON DISQUALIFICATIONS AND PROHIBITIONS

By J. T. TAYLOR

The Refreshment Houses Act, 1860, as amended by s. 26 of the Licensing Act, 1949, empowers a court before whom any licence-holder is convicted of certain offences arising out of his conduct of a licensed refreshment house to make an order disqualifying him from holding or obtaining a licence under the Act of 1860, or prohibiting the grant of a licence in respect of those premises, or containing both such disqualification and prohibition.

A note in *Stone's Justices' Manual* (1956, at p. 1318) quoting a Home Office circular (No. 172 of 1949) states that where such an order is made, the clerk to the justices is asked to inform H.M. Commissioners of Customs and Excise.

However, by s. 15 of the Finance Act, 1949, the power to levy duties on, *inter alia*, refreshment houses was transferred to local county and county borough councils, and by subs. (2) the councils and their officers are to have within their area the same powers, duties and liabilities as the Commissioners formerly possessed. By subs. (6), the transfer was to take effect on such day as the Treasury should by order appoint.

The Minor Licence Duties (Transfer to Local Authorities) Order, 1950 (S.I. No. 130 of 1950) appointed April 1, 1950, as the day for the transfer, and further provided by reg. 6, that the lists or registers of licences under the Refreshment Houses Act, 1860, should be kept by the council by whom the licence was granted.

It follows therefore that any order of prohibition made by justices should now be notified, not to H.M. Commissioners of Customs and Excise, but to the clerk to the county or county borough council within whose area the premises are situate.

An order disqualifying any person from holding or obtaining such a licence should presumably be sent to the same council, and it might also be considered desirable to notify the clerk of the council within whose area the person disqualified resides, if different from that where the premises are. The decentralization which has taken place, however desirable it may be for other reasons, suffers from the drawback that a person who has been disqualified in one part of the country may be able successfully to apply for a licence in another part where his past is unknown. This was not the case when such disqualifications were reported to a central authority.

In conclusion, it may be noted, to complete the picture of the transfer of powers, that s. 313 of the Customs and Excise Act, 1952, gave power to apply any provision of that Act, in cases where powers had been transferred under s. 15 of the Finance Act, 1949. By the Transferred Excise Duties (Application of Enactments) Order, 1952 (S.I. No. 2205 of 1952), the sections set out in the schedule to that order are so applied.

HOW WEST RIDING COUNTY COUNCIL SAVED TO CUT RATES

By FRANK L. DE BAUGHN

Only one of the 61 administrative county authorities for England and Wales has levied or recommended a reduced rate for 1957–58—the conservative-controlled West Riding county council which, with its annual turnover of around £36,000,000 a year, is one of the biggest authorities of all.

Two years ago, with Labour in control at County Hall, Wakefield, the West Riding rate was the 17th lowest among the county authorities—there were 16 authorities which levied a lower rate. Last year, the first year of Conservative control, the West Riding rate was the seventh lowest in the country.

How has the West Riding county council been able to achieve this progressive cut over the last two years and (more important) continue the process this year despite the 20 *per cent.* de-rating for shops and offices and some miscellaneous properties ?

Let us, first of all, examine the broad outline by the county's finance committee of the results for the year 1956–57, the estimates for the new year and (very important) the incidence, in regard to the West Riding exchequer, of the national exchequer's equalization grant.

Results for last year.—The county treasury began the year 1956–57 with a surplus £355,000 greater than had been anticipated; and net expenditure at the end of the new financial year will, it is expected, show a further reduction of about £110,000 as compared with the estimates submitted in March, 1956. Disregarding the almost inevitable minor adjustments the West Riding county finance committee expects to finish the year 1957–58 with an increased surplus of around £460,000.

Budget estimates for 1957–58.—Every committee has been told to look again at its estimates, prune if possible and then look still again, but despite all this the West Riding net expenditure for the year 1957–58 is estimated at £14,350,000 before taking equalization grant into account, or rather more than £1,200,000 more than a year ago even after allowing for specific grants and other income.

Equalization Grant.—Advices from the Ministry of Housing and Local Government show that the equalization grant due to the West Riding authority for the year 1957–58 will show an increase of £1,435,000 although there is always the possibility of some reduction later when more data is available than at the time when the calculations were made.

Next, after this broad outline, let us go on to look at some of the figures given in the annual budget of the West Riding county council.

Expenditure for 1957–58 is estimated at £36,315,000 compared with last year's expenditure of £32,720,000 and the £28,636,000 for the year before that.

Income for 1957–58 is estimated at £29,900,000 compared with last year's £26,322,000 and the £22,275,000 for the year before.

Equalization grant for 1957–1958 is estimated at £7,931,671 compared with £6,474,259 last year and £5,088,524 for the year before.

Net rateborne expenditure for the county for 1957–58 is estimated at £6,414,848 compared with £6,397,552 actual expenditure for 1956–57 and £6,360,769 for 1955–56.

And now let us examine the budget speech of the chairman of the West Riding county council's finance committee, County Alderman Mrs. Kathleen Ryder Runton, to find out how the W.R.C.C. can continue to cut its rates even in these times.

On the equalization grant calculations, Mrs. Ryder Runton pointed out that the Government, through the grant, stands in as a ratepayer—" it is, therefore, a rate income deficiency grant."

In 1955–56 (this is, the year immediately preceding revaluation) average rateable value per head of weighted population for England and Wales was £6 13*s.* 6*d.* while that for the West Riding was £4 9*s.* 9*d.* Thus, as Mrs. Ryder Runton pointed out, the exchequer accepted responsibility for a rateable value deficiency of £2 3*s.* 9*d.* per head of weighted population in the West Riding area.

But revaluation increased total rateable value for England and Wales by something just over 70 *per cent.*—and the rateable value for the West Riding increased by only just over 50 *per cent.*, thus widening the gap between the national average rateable value per head (£11 8*s.* 7*d.*) and the West Riding figure (£6 18*s.* 2*d.*).

On the other hand, figures given by Mrs. Ryder Runton showed, the 20 *per cent.* derating given to shop and office and some commercial properties reduced rateable values for England and Wales by about seven *per cent.* on the average but by less than this figure in the West Riding, therefore discounting to some extent the " gap " between rateable value per head for England and Wales as a whole and rateable value per head in the West Riding alone.

Now, how about those savings on the year which have enabled the West Riding to begin (and end) the year with more in the Treasury than had been anticipated ?

According to figures given in the budget speech of the increased surplus at the beginning of the year no less than some £220,000 resulted from what Mrs. Ryder Runton insisted was the elimination of unnecessary or less essential expenditure during the financial year 1955–56, first year of office of the Conservatives after a period of Labour control at the county hall.

I will quote Mrs. Ryder Runton's own words here: " It is this sum, a direct result of wise economy, that it is intended to pass on to the ratepayers by way of a rate reduction during the coming year. And here let me say most emphatically that without these savings and the cuts made by the budget sub-committees . . . there would have been no rate reduction in the coming year."

One very interesting disclosure made during the presentation of the budget figures was of the economic management of county funds from day to day, so as to take advantage of high interest rates.

Estimates of day to day requirements at the county hall are made for some weeks ahead, and moneys not required at once are temporarily invested. During 1956–57 a sum of £115,000 had been earned in this way—more than the proceeds of a 2*d.* rate in the West Riding—compared with an estimated earning of £25,000.

How about savings on administrative expenditure during the year ? Savings have been made by the West Riding county council under this heading chiefly, explained Mrs. Ryder Runton in her speech, by not filling posts which became vacant. Savings of this kind totalled just over £57,000 a year . . . " nearly six *per cent.* of the relevant salaries payable as from January 1, 1956," says Mrs. Ryder Runton.

These figures, she explained, did not include the salaries award which operated from October 1, 1956, and which would have been payable to the holders of posts had the vacant posts been occupied. And more savings are expected in administrative expenditure by a scheme for re-organizing certain educational divisional executives within the West Riding county council's area.

On the general accounts for expenditure by the various committees of the county council a saving of £230,000 was made by eliminating " less essential expenditure." This figure, £230,000, incidentally, is equal almost exactly to a rate of 4½*d.* in the £, only one-halfpenny less than the total rate reduction recommended for the new year. So that but for these cuts in committees there would have been a rate reduction of only one-halfpenny at the most.

How do the various savings affect the county's services ? Mrs. Ryder Runton explained in her budget speech that " proper and adequate provision has been made for additional expenditure where the proposals under consideration satisfy the test of necessity and absolute urgency."

In fact, Mrs. Ryder Runton said, additional funds had been made available in several categories. She instanced some of them—£20,000 more for the further development of the domestic help service in the county and £9,000 more for the provision of additional occupational centres for the mental health services. And in the health committee estimates there is provision for additional expenditure of £6,500 for the maintenance of spastics.

Mrs. Ryder Runton went on: " I wish to emphasize that in our search for every available economy the proper development of our essential services has in no way been neglected and it is significant that neither at the budget sub-committee nor at the finance committee was a single proposal made for increasing the expenditure on any item."

Net rateborne expenditure for the year 1957–58 after taking the equalization grant into account is estimated at £6,415,000, about £93,000 less than the total amount for which rate provision was made a year ago.

Mrs. Ryder Runton explained that a reduction in the product of a penny rate (now estimated at £51,735 against £52,531) was exactly matched by the reduction in net rateborne expenditure after allowing for the lower products for special county purposes.

But, she said, it was intended to pass on to the ratepayers the full benefit of the " actual economies " that had been achieved.

The recommended rate of 10*s.* 4*d.* in the £ (a reduction of 5*d.* on the figure for last year), said Mrs. Ryder Runton, was estimated to produce £6,160,000, leaving a year-end surplus of £3,058,000 after giving to the ratepayers relief to the extent of more than £250,000.

And the county finance chairman explained: " In considering the reasonableness of a working balance of some £3,000,000 it must be borne in mind that no specific provision has been made for salaries and wages increases beyond those already awarded and the possibility of an abnormal adjustment of equalization grant is a contingency which must be catered for."

The council approved the rate of 10*s.* 4*d.*

MISCELLANEOUS INFORMATION

STAFF PROBLEMS IN PUBLIC SERVICE

Conflicting views of the nature of the problems which full employment poses for the public services were revealed in the course of a group discussion held by the Royal Institute of Public Administration on April 8 last. Whether the services lack glamour, whether the sense of professional status has gone out of them, whether long or short salary scales are a boon or the reverse—such were matters on which differences of view were manifest.

Mr. J. L. Williams, a civil service trade union secretary, contended that pride in the service had been largely destroyed by public ignorance, fostered by mischievous press attacks. Measures to correct these evils should be undertaken, he thought, and he deplored the miserly attitude of authority to expenditure on such purposes. Not only was too little done to correct erroneous impressions and describe accurately what the civil service do for the public and why their methods are what they are, but more energy and more money should be devoted to teaching members of the service the true nature of their occupation. Only so, he believed, could the status of the public service be restored, new entrants of the right calibre be attracted, and the morale of those already in given a much-needed boost.

Other steps were necessary too, Mr. Williams not surprisingly maintained. Better pay and other service conditions stood high in his list. Salary scales were too long: what incentive to a young recruit was it to contemplate a promotion ladder with 19 rungs (as there are in the scale of the executive class)? The Royal Commission had postulated that the service, in matters of pay, should work on the basis of a "fair comparison" with employers outside; that meant that the service could never give a lead, and in the present situation it was most desirable that it should do so.

Better working accommodation, easier mobility from one grade to another, and some compensation in terms suitable to public employment for the perquisites commonly enjoyed in private industry like motor cars, luncheon and other allowances, and the like: these were among the other improved amenities which Mr. Williams thought must be provided if the civil service was to achieve once more its attractiveness for the well-educated entrant, now that it could no longer do so through its monopoly of security of tenure, pensions, paid holidays and sick leave.

The picture of the electricity undertaking painted by Mr. A. C. Jensen, of the Central Electricity Authority, was in a sense less depressing. The problems of finding the right kind of staff, said Mr. Jensen, were the same in electricity as in other fields of employment, but he made it plain that the dice were loaded in its favour. Electricity today, he said, has "glamour"—of the same kind which, so rumour reports, makes it easy to recruit air hostesses. The advent of nuclear power, destined, he said, to transform industry as assuredly as did steam 150 years ago, had changed the character of the electricity industry from the point of view of recruitment: the idea of being the centre of such an enterprise was catching the imagination of young school leavers and those responsible for recruitment were making use of that fact.

If the civil service no longer had the special attractions of security, pensions, and so on, other parts of the public service—Mr. Jensen instanced the manual grades in electricity—had attained these advantages. Whatever drawbacks Mr. Williams might see in long salary scales, Mr. Jensen said that the short scales of his industry had the disadvantage that when a clerical worker reached the top there was no further incentive within that grade. They sought to overcome this by the practice of advertising all vacancies internally, so that the possibility of advancement was always alive.

Both Mr. Williams and Mr. Jensen spoke of publicity measures to attract staff, the former to deplore the unimaginative techniques of the Civil Service Commission ("advertisements like the births and deaths column") and the latter to describe the large-scale prestige advertising to build up a favourable picture of the industry and more specific publicity to appeal to individual readers like schoolmasters, university teachers, and even schoolboys.

Miss B. N. Seear, of the London School of Economics, offered the forthright view that the public services would not attract the staff in the quality or the quantity that they wanted, so they had perforce to make do with what they could get. That implied that they must provide them with organized training, and she emphasized the word "organized"; unless training was related to the actual work which the trainee would meet when he came to the time, he would be disillusioned and would leave the service. Training, Miss Seear maintained, was an essential element in solving current staffing problems. No longer was it possible to learn by the simple process known as "sitting next to Nellie"; it all depended on Nellie and whether she was able to learn or to teach. Nor could one rely on the light of nature, for in many people this burned very dim.

Whatever differences in detail confronted the speakers from the various parts of the British public service, there was a uniform pattern discernible among all. That pattern, again, was seen in the remarks of Mr. Keith Barker, of the Australian Public Service Board. There, as here, there are too few suitable entrants and they stay in the public service too short a time. Mr. E. R. Vose (National Coal Board) who occupied the chair of the Royal Institute's meeting, remarked at the end that, if the discussion had not achieved a great deal in the way of constructive proposals, it had at any rate provided a clear exposition of the problems.

CAMPAIGN AGAINST LITTER

The Ministry of Housing and Local Government announced that this year's Anti-Litter Campaign is to be focussed on the countryside.

Tens of thousands of squirrel posters will be seen up and down the country from Easter onwards reminding townsmen and countrymen alike that the countryside is theirs to keep beautiful. The argument of this year's anti-litter drive is that if people consciously help to keep the countryside free of litter they will act similarly in their own home towns and cities, which have litter baskets.

The squirrel poster, seen for the first time this Easter, depicts a red squirrel on a field of sky-blue shading into green. And the squirrel's message is, "When in the country, don't forget . . . take your litter home. Keep Britain tidy."

The poster is being offered free to local authorities, voluntary organizations and schools up and down the country, and there are also available, free, one-third of a million campaign sticker stamps to carry the message on envelopes through the post.

SECOND SENIOR DETENTION CENTRE OPENS

The second senior detention centre opened on Monday, April 15, at Warrington, Hanley, Stoke-on-Trent.

Warrington was formerly an approved school. It provides secure accommodation for 65–70 boys of the 17–20 age group and will be available to all courts in Cheshire, Derbyshire, Shropshire and Staffordshire and to certain courts in Lancashire, Warwickshire and Yorkshire (West Riding).

The opening of Warrington brings the number of detention centres provided under s. 18 of the Criminal Justice Act, 1948, to four. The others are Foston Hall, Derbyshire and Campsfield House, Kidlington, Oxfordshire, for juniors (14–16 age group) and Blantyre House, Goudhurst, Kent, for the senior age-group.

The warden of Warrington is Mr. J. H. Waylen, M.B.E. Mr. Waylen joined the prison service in 1947 and served at North Sea Camp and Portland borstal institutions before becoming deputy governor of Manchester prison in 1955.

CROYDON MAGISTRATES' COURT

"The individual justice, attending court on a regular day once a week, may perhaps not be consciously aware of the wide, varied background against which his own judicial duties are performed." This observation, a very true one, is made by Mr. A. J. Chislett, clerk to the justices for the county borough of Croydon in his report on the work of the magistrates' court and, as he goes on to say, the report gives the picture as a whole, so that the work of any individual day's court may be seen more clearly as part of a bigger thing, namely the administration of justice in a large town. The report certainly brings out clearly the great variety of cases, civil as well as criminal with which magistrates are called upon to deal.

Present day justices are expected to be willing to receive instruction, and this has been made freely available in Croydon. During the year there were four instructional meetings when addresses were given on topics of magisterial interest by various speakers. These were followed by keen discussion. Twelve magistrates have also availed themselves of the opportunity of taking the correspondence course provided by the Magistrates' Association.

For the first time records have been kept of the cases appearing in the magistrates' court, and an appendix gives a classified list of cases and the methods of disposal. As the offences appear under 55 headings, it is obvious that considerable care has been taken to give as much information as possible. A notable feature of the work of the court is that road traffic cases account for 70 *per cent.* of the offences.

In the work of the court, Mr. Chislett sees a "distressing record of matrimonial discord" with all its evil effects upon family life and in particular upon the children. This, he says, cannot be viewed with complacency, and the implementation of the Report of the Royal Commission on Marriage and Divorce is therefore awaited with some impatience. In particular, the time is long overdue for the application of the Legal Aid and Advice Act, 1949, to domestic proceedings.

On detention centres Mr. Chislett thinks it unfortunate that the public looks upon them as designed for "toughs," since not all those whom the court might wish to send there are "toughs." It is also said that the detention centre is often full, and it is suggested that the Home Office should provide more centres, classified, some for "toughs" and some for those not so "tough."

Mr. Frank Hepworth, principal probation officer, gives in his report not only the particulars relating to the year 1956 but also details from a brief survey of the years 1952–56 inclusive. The purpose is to show the general results of probation and other work over this more extended period. The results are encouraging. One item worth notice relates to supervision pending payment of fines; of 239 cases so dealt with only 24 defaulted and were committed to prison.

There is a useful graph showing the number of juveniles brought before the court and found guilty of offences or in need of care or protection, covering the 20 years 1937–56. The year 1943 was the peak year, with 1951 not far below. 1956 shows a rise above 1955.

WELFARE OF HANDICAPPED PERSONS

Members of Advisory Council

As announced in reply to a question in the House of Commons on Monday, April 1, the Minister of Health's Advisory Committee on the Health and Welfare of Handicapped Persons has now been constituted and the following persons have accepted invitations to become members under the chairmanship of Mr. Edward Evans, C.B.E., M.P., Lowestoft:

Mr. N. D. Bosworth-Smith, C.B.; Mr. T. M. Cuthbert, M.R.C.S., L.R.C.P., D.P.M.; Alderman Mrs. O. G. Deer; Miss S. T. Hart, M.A., A.M.I.A.; Miss G. MacCaul, T.M.A.O.T.; Alderman E. E. Mole, J.P.; Sir Cecil Oakes, C.B.E.; Alderman Miss May O'Conor, C.B.E.; Professor Sir Harry Platt, M.D., M.S., P.R.C.S.; Mr. R. G. Richards, O.B.E., F.C.I.S.; Mr. Godfrey Robinson, C.B.E., M.C.; Alderman R. G. Robinson, J.P.; Lady Sempill; Professor A. B. Semple, M.D., D.P.H.; Mr. T. H. Smith, M.B.E.; Miss B. H. F. Townsend, S.R.N., S.C.M., H.V. Cert.; Alderman Lieut.-Cmdr. J. H. Turner, R.N.; Mr. J. A. L. Vaughan Jones, M.B., Ch.B., J.P.; Mr. H. Willard.

PUBLIC HEALTH INSPECTORS

In connexion with the preparation of the annual reports of medical officers of health, the Ministry of Health has drawn attention to the Sanitary Inspectors (Change of Designation) Act, 1956, under which sanitary inspectors are now designated public health inspectors. There is also reference to the establishment of the Public Health Inspectors Education Board to replace the Royal Sanitary Institute and Sanitary Inspectors Examination Joint Board. The main objects of the new Board are:

(*i*) to examine for and issue a diploma in public health inspection as the basic qualification to be recognized by the Ministry;

(*ii*) to examine for other certificates it may consider necessary for public health inspectors;

(*iii*) to approve courses of instruction for all of its examinations;

(*iv*) to approve local authorities for the purposes of practical training; and

(*v*) to keep under review all questions relating to the recruitment, training and examination of public health inspectors.

The working party on the recruitment, training and qualification of sanitary inspectors recommended that the system of paid pupillage for public health inspectors should be extended with the prospect of its ultimately becoming the normal avenue of entry, except for ex-service candidates, and that practical training for student inspectors should be obtained in the service of local authorities approved for the purpose by the new education board. The Minister supports the view of the working party that the best training is obtained by those students who are engaged by a local authority specifically as pupils or student public health inspectors and has no doubt that local authorities will consider the advantages of adopting a system of paid pupillage or, where appropriate, of extending existing arrangements.

KENT FINANCE, 1955–56

County Alderman E. V. Mills, J.P., chairman of the finance committee and County Treasurer J. L. Hampshire, F.S.A.A., F.I.M.T.A., say in their foreword to this booklet that it is issued to meet the needs of those who would like to know something of the finances of Kent county council but have not the time or opportunity to study the more detailed information contained in the published abstract of accounts and other documents issued by the council. It admirably achieves this purpose and manages to present within the space of 14 pages the really important keys to the county's financial administration.

Kent is, of course, one of the largest of the counties of Britain both in acreage and population, and it has one of the largest penny rate products also. Area is close on one million acres: population exceeds 1½ million and continues to grow. For the year covered by the booklet the penny rate produced £53,000: as a result of revaluation this figure rose to £91,000.

Gross expenditure exceeded £27,000,000 in 1955–56 equal to £18 3*s.* per head of population. After crediting income from services there was left a sum of £23,500,000 which was borne as to 56 *per cent.* by national taxation in the form of grants and as to 44 *per cent.* by the Kent ratepayers, who thus had to bear a considerably larger share of the cost than their brethren in many other authorities. This was largely because Kent is adjudged too rich a county to qualify for equalization grant: both the council and the ratepayers they represent must be looking to Mr. Brooke and his new grant proposals hoping that some crumbs from his table may fall into the laps of the so-called rich men of Kent and Kentish men.

The county council has spared no effort to keep the rate precept to a minimum (it was 18*s.* 4*d.* in 1955–56) and during the five years ended on March 31, 1956, no less a sum than £1,400,000 has been taken from balances for this purpose. By the end of the quinquennium balances had been reduced to £226,000 and as plant and stores alone were valued at £525,000 it is not surprising that there was a substantial bank overdraft on revenue account of £585,000 at the year end.

Loan debt has continued to increase with capital expenditure. The latter has been of the order of £3,000,000 a year for five years and between £350,000 and £400,000 a year has been charged direct to revenue, leaving most of the difference to be financed by way of loans.

At March 31, loan debt totalled £19,750,000 and average rate of interest paid was 3.9 *per cent.*

The booklet contains a number of other useful tables, including unit costs. It should prove of value both within the county and in the wider field of local government beyond.

COUNTY BOROUGH OF BOOTLE: CHIEF CONSTABLE'S REPORT TO THE LICENSING JUSTICES FOR 1956

There are 51 premises in Bootle where there is a publican's licence for consumption on or off the premises and 14 for consumption off only. In addition there are premises where other goods are sold in addition to intoxicants and a number of "ordinary off-licensed" premises. There are also 24 registered clubs.

The chief constable comments on the difficulty of maintaining effective supervision of the clubs and regrets that from time to time it is necessary to keep special observation on a club in consequence of complaints which are received about the way in which it is conducted. During 1956, this was necessary in three cases, in two of these "a word in season was effective," but in the remaining case a raid had to be carried out, followed by prosecution of those responsible for breaches of the law which had occurred. There are comments on the difficulties experienced by those who "run" clubs in conforming strictly to the law about the hours during which intoxicants can legally be supplied and consumed, and there is a word of sympathy for "the average club steward who seems to work every hour that God made, often for little reward, is expected to take chances as a matter of course, and to 'carry the can' if the worst comes to the worst."

One hundred and fifty-nine (151 men and eight women) were proceeded against for drunkenness during 1956, a big increase over the 1955 figure of 96. There were also 10 prosecutions for offences under s. 15 of the Road Traffic Act, 1930. Eight of these were convicted, three of them being pedal cyclists, prosecuted by virtue of the Road Traffic Act, 1956, s. 11.

In his general remarks at the end of the report, the chief constable refers to a practice which he says has obtained in Bootle for many years. It is a one of which we have not heard before, and he comments on it as follows:—"to take a small deposit from a drunk when bailing him and then to apply it to his fine if he did not appear at court was too easy, beside being irregular, and tended to encourage drunkenness." This practice was discontinued as from June 15, 1956. We confess that we are curious about the procedure. It cannot mean, we think, that a person bailed from a police station who failed to appear in court was fined in his absence without any information being laid or process issued by the court.

Figures show, according to the report, that "Teddy boys" are responsible for a lot of the disorder that is taking place in Bootle and "they respect neither the authority of the police, nor the bench. Time was when they would have had a good hiding from the police or imprisonment by the bench and would have learned the hard way that discretion is the better part of valour, but those days are no more and, quite frankly, I do not know the practical remedy although I am aware of the platitudes that are spoken about the problem."

Lacing beer with cheap port-type wine is blamed for aggravating the problem of drunkenness and the hope is expressed that brewers will give careful consideration to the desirability of cutting out this type of sale.

The brewers are praised for the high standard they set so far as the repair, decoration and amenities of their public houses are concerned.

There seems no doubt that the chief constable concerns himself a great deal with the problems arising from this aspect of police duties. Our licensing laws are complicated, and the duties of the police in seeking to enforce them are by no means easy. The chief constable appears to suggest that modern methods in the treatment of offenders are not perhaps as effective as were the more old-fashioned ones, even though some of these were, strictly, "unofficial" ones.

THE WEEK IN PARLIAMENT

From Our Lobby Correspondent

The Secretary of State for the Home Department, Mr. R. A. Butler, announced in the Commons that he had decided to appoint a Departmental Committee to consider whether any restrictions should be placed on the publication of the reports of proceedings before examining justices.

In reply to Mr. M. Lipton (Brixton), Mr. Butler said that the question raised difficult issues of principle and the Departmental Committee would have the following terms of reference:

> "To consider and report whether it is necessary or desirable that any restrictions should be placed on the publication of reports of proceedings before examining justices."

Lord Tucker had accepted the chairmanship of the committee and the names of the remaining members would be announced as soon as possible. He would ask the committee to complete its work with the minimum delay.

Earlier, the Attorney-General had rejected a request from Mr. G. Wigg (Dudley) that he should institute an independent inquiry into the preparation, organization, and conduct of the prosecution's case against Dr. Adams who was recently acquitted at the Old Bailey on a charge of murder.

Mr. Wigg asked whether the Attorney-General was quite unaware that, throughout the length and breadth of the British Isles, the recent case of Dr. Adams had evoked discussion in terms which brought discredit upon the law and upon his office. Would he not, therefore, in the interests of British justice, have an inquiry into that case, into the circumstances in which the prosecution was brought, and also into the circumstances in which the Attorney-General found it necessary to oppose the application of the defence that preliminary proceedings should be held in camera?

The Attorney-General replied that Mr. Wigg was misinformed. The counsel appearing for the Crown in the preliminary proceedings made it perfectly clear that he did not oppose the application that certain evidence should be heard in camera.

Mr. A. Greenwood (Rossendale) asked the Attorney-General not to underestimate the public anxiety about that case. In view of the widespread misgivings, could the Attorney-General give an assurance that the rumours that the prosecution was launched against the advice of the Director of Public Prosecutions and the chief constable of Eastbourne were quite unfounded.

The Attorney-General replied that he could certainly give that assurance. There had been no disagreement between the Director of Public Prosecutions and himself as to the course which should be pursued in that case. He was glad to have an opportunity of putting an end to criticisms of his learned friend who conducted the case in the magistrates' court, but did not oppose the application that certain evidence should be heard in camera.

Sir L. Ungoed-Thomas (Leicester, N.E.) said that they all very much welcomed the statement the Attorney-General had made, but would he bear in mind the deep public anxiety there was about certain aspects of the case? He was sure the Attorney-General appreciated the terrifying consequences which might have ensued if certain documents had not been available at the trial. Was it not desirable to have an independent inquiry into those matters so that public concern about them should be allayed?

The Attorney-General said that he appreciated that there was a certain concern in some quarters, but he did not accept Sir Ungoed-Thomas' view that there was public concern about, for instance, where the nurses' reports came from. Nor did he accept his view as to the possible consequences if those reports had not been available, in view of the observations made by the learned Judge at the trial.

Mr. Wigg then gave notice that, in view of the unsatisfactory nature of the reply, he would take the earliest opportunity of raising the matter on the Adjournment.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF LORDS

Tuesday, April 16

RENT BILL—read 2a.

HOUSE OF COMMONS

Wednesday, April 17

FINANCE BILL—read 1a.

PERSONALIA

APPOINTMENTS

Mr. William Alan Belcher Goss has been appointed by the Queen, on the recommendation of the Lord Chancellor, to be recorder of Pontefract, Yorkshire. Mr. Goss, a barrister on the North-Eastern circuit, was recently appointed deputy chairman of the West Riding quarter sessions.

Mr. D. H. Robson, Q.C., has been appointed county court Judge for the districts of Bedford, Ashby-de-la-Zouch, Hinckley, Leicester, Loughborough, Market Harborough, Melton Mowbray, Stamford, Kettering, Wellingborough and Oakham county courts. He is relinquishing his present post as recorder of Middlesborough. Mr. Robson has been recorder of Middlesborough since 1953 and was temporary recorder of Newcastle during last November. Mr. Robson is 52 years of age. He has practised on the North Eastern circuit since he was called to the bar in 1927. He took silk in 1954.

Mr. Kenneth W. Shaw has been appointed whole-time clerk to the justices for Middleton borough and Oldham petty sessional divisions in the county of Lancashire. Mr. Shaw is 40 years of age, was admitted in 1949 and is now with Messrs. Lees and Riches, solicitors, Oldham, with whom he was articled. During the war he served with the Argyll and Sutherland Highlanders for five and a half years, rising to the rank of major. He succeeds Mr. G. E. Clark, who has retired owing to ill-health. Mr. Clark was part-time clerk to Middleton borough from 1931 to 1953 (when he became whole-time clerk to the two divisions). Mr. G. E. Clark succeeded his father, who was appointed to the Middleton clerkship in 1902, and Mr. Clark's grandfather held the appointment from 1894–1902.

Mr. Walter Harold Meredith has been appointed official receiver for the bankruptcy district of the county courts of Cardiff and Barry; Blackwood, Tredegar and Abertillery; Newport, Monmouthshire; Pontypridd, Ystradyfodwg and Porth and the bankruptcy district of the county courts of Swansea; Aberdare;

Aberystwyth; Bridgend; Carmarthen; Haverfordwest; Merthyr Tydfil; Neath and Port Talbot. This appointment, announced by the Board of Trade, took effect from April 2, last.

Mr. Walter William Jordan has been appointed an assistant official receiver in the Bankruptcy (High Court) Department. This appointment, announced by the Board of Trade, took effect from April 3, last.

Mr. D. P. Lawrence has been appointed assistant clerk and chief financial officer to Bradford, Wiltshire, urban district council. Mr. Lawrence has been serving with Street urban district council, and he will take up his duties at Bradford on May 7, next, in succession to Mr. R. Butterworth, who has been promoted to the position of clerk to the council.

Mr. T. M. C. Francis, assistant solicitor to Weston-super-Mare, Somerset, corporation, has been appointed assistant solicitor to Salford city council. Mr. Francis' predecessor, Mr. J. W. Meredith, has been promoted to the post of second assistant solicitor.

Mr. John A. Thwaites has been appointed assistant solicitor to Bridgwater, Somerset, borough council. Mr. Thwaites is at present assistant solicitor and legal assistant to Whitley Bay, Northumberland, borough council. He served his articles with Mr. Arthur S. Ruddock, M.B.E., town clerk of Whitley Bay and joined the council's staff on his return from National Service.

Mr. David Gordon Rees, M.A. (Oxon), has been appointed assistant solicitor to The South Wales Electricity Board. Mr. Rees was articled to Mr. W. G. S. Menthinick of Messrs. Thomas John and Co., solicitors, Cardiff, and was admitted in July, 1951. He was formerly an assistant solicitor with Messrs. H. Meyrick Williams and Co., solicitors, Newport, Monmouthshire, and took up his duties with the Board on May 1, last. Mr. Rees replaces Mr. G. R. Davies, who was admitted in March, 1952, and who has taken up the position of principal assistant (administration) in the secretary's department of the Board.

Mr. H. F. Wild, LL.B., junior assistant solicitor to York city council since September, 1952, has been appointed assistant solicitor to Walthamstow borough council, and commenced his duties on March 18, last. Mr. Wild succeeds Mr. G. H. Ramage, LL.B., who has been appointed deputy town clerk of Gravesend. Mr. Ramage was at Walthamstow from December, 1954, to January, 1957, and was previously with Bromley borough council.

Mr. F. D. Youle, clerk to Northallerton, Yorkshire, rural district council, has been appointed clerk and chief financial officer to Ulverston, Lancashire, rural district council.

Mr. Joseph Haslam has been appointed conveyancing clerk to Bedfordshire county council. Mr. Haslam is at present employed as law clerk in the town clerk's department of Birkenhead county borough council, and will take up his new duties on May 13, next. Mr. Haslam succeeds Mr. F. E. Thomas, who came to Bedfordshire in 1950 from Portsmouth city council and left on April 15, last, to take up his new appointment as conveyancing clerk to Birmingham city council.

Mr. Brian Taylor has been appointed assistant solicitor to Stockport county borough council. He will commence duty on May 6, 1957. Mr. Taylor was previously employed as an assistant solicitor with a Manchester firm of solicitors. Mr. Taylor succeeds Mr. Geoffrey Joseph Turner, LL.B., who has been promoted to the position of senior assistant solicitor in the department of the town clerk of Stockport, Mr. J. H. W. Glen, LL.B.

Superintendent T. M. Moss has succeeded Superintendent O. G. Eames as officer-in-charge of Conway division of Gwynedd constabulary.

Miss P. M. Crabb has been appointed a whole-time probation officer in the London probation service. Following training under the Home Office scheme, Miss Crabb served from 1943 to 1952 as a probation officer in Hampshire, London, Wiltshire and Surrey, and from 1952 was a welfare officer in the health department of Middlesex county council.

Miss H. Garlick and Mr. A. P. Oakley have just completed training under the Home Office probation scheme and have been appointed whole-time probation officers in the London probation service.

Mr. D. G. W. Malone, governor of Preston prison, has been appointed governor of Pentonville in succession to Mr. W. J. Harvey, who has retired.

Miss B. M. Spencer and Miss H. M. Latimer have been appointed probation officers in the London probation service. Miss Spencer took up her duties on April 8, last; Miss Latimer on April 15, last. Both recently completed training under the Home Office training scheme.

JUSTICES' CLERKS' SOCIETY'S PRIZE, 1956

Mr. Joseph Ingham, deputy clerk to the justices for the Penkridge and Cannock, and Rugeley divisions of Staffordshire, has been awarded the Justices' Clerks' Society's Prize for the best examination paper during 1956 in the subject "The Practice of Magistrates' Courts" taken at the Law Society's Final Examinations held during that year.

RETIREMENT

Mr. J. J. Rothwell has been appointed county coroner for Manchester in succession to Mr. F. G. Ralphs, who is retiring after 21 years in the post.

OBITUARY

Lt.-Col. Arthur Fairfax Senior, chief constable of East Suffolk, has died suddenly at the age of 59. Lt.-Col. Senior became chief constable of East Suffolk in April, 1942, in succession to Mr. G. S. Staunton. After serving in the East Surrey Regiment during the First World War, he was in the Indian Police. He was assistant commandant at the Metropolitan Police College for five years from 1934. Just before his East Suffolk appointment, Col. Senior was Deputy Provost Marshal of South-Eastern Command. He was awarded the O.B.E. in 1950 and last year was invested with the Queen's Police Medal.

Mr. John Francis Evans, former deputy chief constable of Merioneth, has died, aged 77. He served more than 40 years in the Merioneth police force.

MAGISTERIAL LAW IN PRACTICE

Evening Standard. March 1, 1957.

"MAN ON BAIL GOT PASSPORT IN FALSE NAME"

A company director, remanded on £5,000 bail on £141,000 charges, obtained a new passport in a false name and has since tried to get another passport, the Bow Street magistrate was told today.

Robert Affleck Robertson, 43, of Little Stream, Ascot, who is accused of applying to his own use cheques for £141,000 while a director of Bowmakers, the industrial bankers, stood in the dock. He had been released on bail until March 12.

His surety, Mr. S. J. R. Secker, of Bramley, Surrey, applied to Mr. R. H. Blundell, the magistrate, to release him from his undertaking as he feared that Robertson might attempt to leave the country.

"To Placate Wife"

Mr. A. G. Flavell, prosecuting, said Robertson was arrested on December 20, and handed his passport to the police. Since then he had obtained another passport, which bore his photograph but was in the false name of F. J. Gooch. He had handed this one to Mr. Secker.

"But," said Mr. Flavell, "information had been received that Robertson was trying to obtain a third passport."

Mr. Neville Coleman, defending, said Robertson obtained a second passport to placate his wife who urged him to get it and abscond to Australia to join her and their three children. As soon as she had left for Australia he handed this passport to Mr. Secker.

The magistrate said he was not prepared to grant bail and remanded Robertson in custody.

In cases of bail for a person's appearance the sureties may reseize him, if they fear his escape, and take him before the justice or court, by whom he may be committed, and thus the sureties may be discharged from their recognizances; but he is at liberty to find new sureties.

The sureties may seize the person of the principal at any time, or at any place, and in surrendering the principal they may obtain the co-operation of the police. (1 *Burn's Justice*, 378; 52 J.P. 653).

BARON ET FEME

Those who keep a scrap-book for the *curiosa* of married life will have been kept busy in recent weeks with scissors and paste. News-items have been reported dealing not only with the proverbial wear and tear, but also with matters of more general interest, impinging on other branches of the law.

A case heard in the Divorce Division before Mr. Commissioner Blanco White illustrates the possible irritants, upon marital conditions, of the relationship of landlord and tenant. The landlord, " a spritely seventy," lived on the premises, part of which he had let to a married couple half his age. The husband was an Irishman, and a bookmaker's clerk " with a winning tongue "; the wife had been a hospital nurse—" precise, conscientious and somewhat priggish." So the stage was set.

Had the landlord been the protagonist in the *dramatis personae*, nothing would have eventuated but light comedy—not even bedroom-farce. The landlord, however, was blessed with a sense of humour of the kind which is all too prevalent in these days of non-stop entertainment—a sort of continuous Light Programme. For those who favour this unsubtle variety of facetiousness, no joke is funny unless it is repeated seven or eight times in succession, just in case some slow-witted member of the audience has not taken the point. What brought things to a head in this case was that the landlord knocked on his tenants' sitting-room door the day the Derby was being run, and wished them a " Happy Derby Day ! " Made on one occasion, this jape (though not uproarious) sounds harmless enough; but after the fifth repetition it began to pall. The husband's Hibernian blood was up; he saw in this persistent repetition a mere excuse on the landlord's part to cast flirtatious glances at his wife.

Worse followed, when the landlord developed a habit of climbing the stairs at bedtime immediately behind his tenants. This, according to the husband, was more than coincidence; he did it " so that he could look at the wife's legs." Whatever view the landlord might have had, that of the learned Commissioner was unfavourable to this thesis. " Legs " he said " are not shrouded in mystery these days; and if he wanted his gaze to dwell upon them he had ample opportunity in the daytime." To a lawyer it might seem possible that the landlord was doing no more than exercising the privilege conferred upon him by the terms of the tenancy—" at all reasonable times to enter and view the premises and the state and condition of the fixtures fittings and things then and there found." At any rate, the husband developed irrational suspicions and a fierce jealousy which led to an assault upon the landlord, the loss of the home and a decree to the wife on the ground of cruelty.

If sexual jealousy is frequently a male prerogative, the proverbial weakness of the female is a too ready and continuous resort to the sharp weapon of the tongue. In a case before Mr. Justice Barnard the only main issue seemed to be whether the wife's nagging invariably went on until the early hours of the morning, or whether (as she alleged) it closed down at midnight. Shakespeare has rhetorically asked " What's in a name ? " but the fact that the respondent wife in question was a Mrs. Yapp is almost too good to be true. Verbal missiles were, in course of time, followed by more substantial objects—" shoes, knives, forks, a cup of tea and, on one occasion, a saucepan of dog-food." The husband was granted a decree.

Turning for a moment from these sordid events, one may find interest in *The Times* report of *Mawji and Another* v. *The Queen*, in which the Judicial Committee of the Privy Council allowed an appeal from the Court of Appeal of Eastern Africa. The case raised, in a new guise, the old question of the unity, for certain purposes, of husband and wife. The doctrine in English criminal law has led to some curious results. One of these is that a conspiracy, between husband and wife alone, to do an unlawful act is not a criminal conspiracy for which they can be indicted (1 Hawk. P.C. c. 27, s. 8), since husband and wife are one, and one person cannot conspire with himself. The earlier doctrine (abolished by s. 47 of the Criminal Justice Act, 1925) included the presumption that, where a crime was committed by a wife in the presence of her husband, she must have acted under his coercion, and this was said to derive from the historical peculiarity that a man, but not a woman, could claim benefit of clergy.

However that may be, the issue in the recent case before the Privy Council may be put succinctly thus: does the doctrine of the oneness of husband and wife apply only to monogamous unions ? For the appellants, though they were in fact living together monogamously, were members of a community in which polygamy was permitted. Their Lordships agreed with the court below that the rule of English law (above described) is applicable to Tanganyika, where the alleged offence took place; but disagreed with the view of that Court that the rule did not apply to a marriage which was potentially polygamous. If, observed the Privy Council, the Tanganyika legislation had intended to restrict the rule to monogamous marriages, it would have said so.

An echo of a similar controversy, though not relating to a contentious matter raised in any court of law, has been heard during the recent strike of shipyard-workers. Two Arab labourers at West Hartlepool, members of the Transport and General Workers' Union, are domiciled in the Aden Protectorate, where they each have two wives. One of them has three children by wife A and two by wife B; the other has two children by each wife. One of the men claimed strike pay for both his wives and for all his children. The branch secretary passed all the children, but restricted the men's strike pay to that appropriate to one wife each. " It was a decision " said the secretary " requiring the wisdom of a Solomon." That may well be so; but bearing in mind the matrimonial freedom which that monarch allowed himself (700 wives and 300 concubines) we take leave to doubt whether he would have been quite so parsimonious with the Union funds which (according to the *First Book of Kings*) he enjoyed in considerable profusion.

A.L.P.

NOTICES

The next court of quarter sessions for the city of Winchester will be held on Friday, May 10, 1957, at the Guildhall, Winchester, at 10.45 *a.m.*

The next court of quarter sessions for East Kent will be the intermediate Easter quarter sessions, which will be held on Monday, May 13, 1957, at the Sessions House, Canterbury, at 10.45 *a.m.*

The next court of quarter sessions for the borough of Southend-on-Sea will be held on Monday, May 13, 1957.

The next court of quarter sessions for the borough of Andover, Hampshire, will be held on Tuesday, May 14, 1957, at the Guildhall, Andover, at 10.45 *a.m.*

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Adoption—*Payment or reward—Sanction of court.*

The obvious intention in many applications where the mother of the child has subsequently married the child's father, or someone else, is to get the name "changed" by a new certificate before the child attends school at the age of five.

A case has recently been brought to my notice where a voluntary moral welfare society, after a child's birth, arranged for the payment of £1 per week until the child was 16, and no affiliation order was applied for. Payments have been made for over four years, and presumably the father has now been informed of the mother's and her husband's intention to adopt jointly, as the society now say "a lump sum payment of £30 will be paid by the father if application is made for adoption before the child starts school." Section 12 (1) of the Act says "any payments shall cease," and s. 37 prohibits certain payments.

The form A.C. 1a paras. 6 and 7 will be used in this case, but should, and can, para. 13 be completed: in other words should the court "sanction" the £30 payment?

R.H.A.W.

Answer.

Section 37 of the Adoption Act, 1950, prohibits payment or reward in consideration of the adoption of an infant under that Act unless sanctioned by the court to which an application for an adoption order in respect of the infant is made.

Particulars of the proposed payment should be given in para. 13 of the Statement of Application for an adoption order, and the court can then consider whether in the particular circumstances the making or receipt of the payment can be sanctioned.

2.—Bastardy—*"Single woman"—Desertion after condonation of adultery.*

A has made an application for a separation order against her husband (B) on the grounds of persistent cruelty and desertion. She has also made application against C for a bastardy order.

B left A in January, 1955, and returned to her in May, 1956. During this time A associated with C and as a result a child was born in February, 1956. When B returned to A, he condoned the adultery of A with C.

In November, 1956, B left A again and because of the alleged acts of cruelty A has refused to allow B to return to the matrimonial home.

Is A a "single woman" for the purposes of the Bastardy Acts?

Some of the cases which deal with the question of a "single woman" refer to "an uncondoned act of adultery" which disentitles the wife to maintenance by her husband and thereby constitutes her a "single woman."

In view of the fact that B did condone the wife's adultery, can she still be said to be a single woman in view of the fact that the present separation between A and B has nothing at all to do with C?

GESS.

Answer.

Since the adultery was condoned, we do not think that at the moment A can be regarded as a single woman.

3.—Building Byelaws—*Exemption for garage—Construction of walls.*

Plans have been deposited with the council of a garage proposed to be erected, and it is agreed that the building is exempt from the operation of certain of the byelaws by virtue of byelaw 9. The garage is proposed to be constructed with single brick walls 4½ *ins.* thick. This not being one of the specified short-lived materials, the building is also exempt from the provisions of byelaw 14. The garage is to be 16 *ft.* long and 8 *ft.* wide, and it is suggested therefore that the council can insist upon the provisions of r. 12 of sch. 3, so as to require the walls to be bonded into piers. I have advised that the council cannot so insist, because sch. 3 is an integral part of parts II to IV of the byelaws from which, except for the byelaw dealing with open space, the building is exempt. I shall be glad of your opinion.

DOLMIN.

Answer.

We agree.

4.—Burials—*Disused Burial Grounds Act,* 1884; *Open Spaces Act,* 1887, *s.* 4.

Does not P.P. 1 at 42, *ante,* need to be expanded by a reference to s. 4 of the Open Spaces Act, 1887, which was kept alive when the Open Spaces Act, 1906, repealed and re-enacted various earlier provisions? The effect seems to be that, for the purposes to which the question at p. 42 related, it is not material whether an Order in Council has been made. The purpose, that is to say, cannot lawfully be carried out.

CANCHO.

Answer.

We agree. It might be unlikely, in the circumstances described in the former query, that any steps against the builder would be taken for contravention of the Disused Burial Grounds Act, 1884, but a question arises whether planning permission could properly be given.

5.—Housing Act, 1936—*Demolition order—Proported withdrawal in* 1937.

I was interested to read P.P. 7 at p. 28, *ante,* about demolition orders made under s. 11 of the Housing Act, 1936, and subsequent appeals, and whether such orders can be withdrawn or cancelled. The matter seems to be dealt with by s. 5 of the Housing Repairs and Rents Act, 1954, which gives the local authority power to extend the time for works to be carried out, and s. 5 (2) expressly gives power to revoke the demolition order if the works are completed to their satisfaction.

POROS.

Answer.

We agree, but the query at p. 28, *ante,* was limited to the council's right to enforce the order: we were told that local solicitors argued that it was not enforceable, whereas the clerk of the council said it was. There was no suggestion that the council wished to use the Act of 1954.

6.—Licensing—*Application for new on-licence — Premises in course of being altered—Suggested procedure.*

Two years ago my justices granted an application for a licence to sell wines and spirits on or off premises in respect of which a "beer on" licence was held. The confirming authority, however, refused to confirm the grant of the licence on the ground that the premises did not have suitable lavatory accommodation for females using the premises.

At the first session of the general annual licensing meeting this year, my justices gave approval to plans which were submitted to them for the alteration of the premises by the construction of new women's and men's lavatories and other necessary consequential alterations. It will be impossible for the alterations to be carried out and completed before the expiration of some few months from this date.

I have now received notice of an intention to apply for a full licence in respect of these premises at the second session of the general annual licensing meeting.

The question arises whether, in the circumstances, it will be competent for my justices to grant the application if, but for the above circumstances, they are disposed to grant the application.

The applicant's solicitors state that they will be prepared to give an undertaking both to my justices and the confirming authority to carry out the alterations above-mentioned and they desire that when the alterations have been completed, my justices shall inspect the premises and satisfy themselves that the alterations have been satisfactorily completed and that they shall then apply at the next transfer sessions for the full licence to come into force.

I shall be obliged if you can refer me to any authority which would enable my justices to adopt this procedure.

It seems to me, on referring to s. 10 of the Licensing Act, 1953, and the notes thereto contained in *Paterson's Licensing Acts,* 65th edn., that premises in course of alteration cannot be said to be premises about to be constructed or in the course of construction for the purpose of being used as a house for the sale of intoxicating liquor for consumption on the premises.

I am unable to put my hands on a report of *R.* v. *Axbridge JJ., ex parte Ashdown* (1954) B.T.R. (June), but I have seen your replies to P.P.s 3 and 4 at 118 J.P.N. 538.

I shall be obliged if you will give me your opinion as to whether it will be in order for my justices, if they are so minded, to grant a full licence in respect of these premises, subject to the satisfactory completion of the alterations, on the understanding that the licence will only come into force at the transfer sessions next after they have inspected the premises and ascertained that the alterations have been satisfactorily completed.

NASAD.

Answer.

The Licensing Act, 1953, s. 6 (3), prohibits the grant of a new on-licence unless, in the opinion of the licensing justices, the premises are structurally adapted to the class of licence required. It appears that this is not their opinion.

The procedure suggested by the applicant's solicitor is convenient but is not authorized by law: even if it were accepted by the licensing justices there could be no justification for supposing that it would be acceptable to the confirming authority.

The case of *R.* v. *Axbridge JJ., ex parte Ashdown* (1954) B.T.R. 408, is reliably condensed in *Paterson*, 65th edn., at p. 725.

It is no unusual procedure for licensing justices to consider an application at brewster sessions and then, if satisfied with the merits of the application but dissatisfied with some feature in the plans, to intimate their willingness to grant the application subject to changes being made in the plans. Further consideration of the application is then adjourned under the Licensing Act, 1953, sch. 2, para. 6 (which places no limit upon the length of the adjournment). In our opinion, this is a proper procedure to be adopted here.

7.—Merchandise Marks Act, 1887—*Defences under s. 2.*

1. I shall be glad to have your opinion on the availability of the defence " that otherwise he had acted innocently " in subs. 2 (*b*) of s. 2 of the Merchandise Marks Act, 1887, as amended by the Merchandise Marks Act, 1953. How far can an offender plead this defence where he cannot prove that he has taken all reasonable precautions and the prosecution cannot prove (or even do not allege) a fraudulent intent ?

2. In a similar case brought under s. 2 (1) of the 1887 Act, how far can the defendant plead successfully that he acted " without intent to defraud " if he cannot prove he has taken all reasonable precautions and the prosecution cannot prove (or do not allege) fraudulent intent ?

The type of case I had in mind was where a tradesman delivers short weight to a customer but argues that this was due to an honest though careless mistake.

HAMIN.

Answer.

1. Even if a defendant proves that he has taken all reasonable precautions, the defence under s. 2 (2) (*b*) would not be open to him (*Slatcher* v. *Mence-Smith Ltd.* [1951] 2 All E.R. 388; 115 J.P. 438). In order to be successful, he must prove that he had no intention to sell the goods in question as goods bearing the trade description, and not merely that the goods had a false trade description applied to them without his knowledge.

2. The phrase " without intent to defraud " in s. 2 (1) of the Act does not imply an intention to cheat or defraud in the pecuniary sense. It is enough if the customer has received something different from that which he expected to receive (*Starey* v. *Chilworth Gunpowder Co.* (1889) 54 J.P. 436).

The defences open to a defendant were exhaustively dealt with in the cases cited *supra*, and in *Allard v. Selfridge & Co., Ltd.* (1925) 88 J.P. 204, and in *Kat* v. *Diment* [1950] 2 All E.R. 657; 114 J.P. 472. They are also dealt with in an article at 118 J.P.N. 526.

8.—Music, etc., Licence—*Private club—Dances restricted to members and their guests—Whether licence required.*

Do private clubs require music and dancing licences if they do not put on dances to which the public are invited but restrict these to dances, if at all, for their own members and guests ?

Part IV of the Public Health Acts Amendment Act, 1890, applies in this division. It specifically relates to places used for public dancing and music. Some clubs in this division have music and dancing licences, but most do not. None of them, as far as I know, ever put on dances which are definitely public in the sense that tickets are available for the public to buy. I would like all the clubs to conform to one ruling and either all who have dances to have licences or none of them.

It seems to me that a club cannot, by its very nature, ever open its doors to the public, whether for dancing or anything else. I assume, of course, that any dances which take place are accompanied by the sale of alcoholic refreshment. If a club obeys its rules and restricts any musical and dancing entertainment to its own members and *bona fide* guests, my opinion inclines to be that it does not require a music and dancing licence any more than would a dance held in a private house. It does not seem to me that the fact that tickets have to be paid for by the members, to cover the cost of the dance, make it in any way a public one.

NOSTET.

Answer.

Section 51 of the Public Health Acts Amendment Act, 1890, requires that a licence is necessary where a place is ordinarily used for *public* dancing or music, or other *public* entertainment of the like kind. Whether a function is public or not is a question of fact to be decided by the justices in a prosecution (*see Maloney* v. *Lingard* (1898) 42 Sol. Jo. 193).

On the statement of the situation outlined by our correspondent, we share his opinion that no licence is necessary.

9.—Rating and Valuation (Miscellaneous Provisions) Act, 1956, s. 8—*Golf club letting course to organization.*

A golf club which is a limited company ceased to operate as such from January 1, 1957, and leases its land and premises to an unincorporated association at a nominal rent. This action regularizes a state of affairs which has operated informally for a number of years but with the object, no doubt, of securing the benefits of the section, the new lease seeks to make it legally effective from April 1, 1956. Do you consider that the association is entitled to the benefits of the section, and if so, from what date ?

ABOR.

Answer.

We infer that the " state of affairs which has operated informally for a number of years " means that the association has existed for a number of years, and that its members have been allowed to use the premises, whether or not they were members of the club. We do not, however, consider that antedating the lease can alter the position as it existed while the club was an effective entity: presumably the club was until the end of 1956 the occupier entered in the rate book; it did not then " occupy for the purposes of " the association, but for its own purposes. As from the date when the club " ceased to operate " (though we are not sure what this phrase means in the context of a club which is also a limited company) we think it can fairly be said that the club, even if it is still the rated occupier, occupies for the purposes of its tenant, the association.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*).

BOROUGH OF LEWES

Deputy Town Clerk

APPLICATIONS are invited from Solicitors.

Salary £743 2*s.* 6*d.* to £994 5*s.* per annum.

Commencing salary according to experience: £850 15*s.* for applicant who from date of admission has had not less than two years' legal experience. Appointment subject to National Conditions of Service and Superannuation Acts, termination by one calendar month's written notice on either side and the passing of a medical examination.

Applicants must have a sound knowledge of conveyancing. Previous experience in local government is not essential. Excellent opportunity for Solicitor wishing to obtain local government experience.

Applications giving details of present and previous appointments, age, education, qualifications, conveyancing and general experience, and stating whether able to do conveyancing with nominal or without supervision and whether and what housing accommodation required, together with particulars of two referees, should reach me by May 18, 1957.

N. J. HEANEY,
Town Clerk.

Town Hall,
Lewes.

The National Association of Discharged Prisoners' Aid Societies (Incorporated)

Patron: H.M. THE QUEEN

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WEDNESFIELD URBAN DISTRICT COUNCIL (STAFFS.)

(Present Population 24,500—Growing Dist.)

Deputy Clerk and Solicitor of the Council

SALARY—£936 by four annual increments to £1,083.

Housing accommodation available.

Further particulars from the undersigned to whom applications should be submitted by May 18, 1957.

J. HENWOOD JONES,
Clerk and Solicitor.

Council Offices,
Alfred Squire Road,
Wednesfield.

URBAN DISTRICT COUNCIL OF RUISLIP-NORTHWOOD

APPLICATIONS are invited for the appointment of Assistant Solicitor. Salary A.P.T. VI (£902 to £1,107) plus London "Weighting". Commencing salary according to experience. Superannuable post, subject to medical assessment. N.J.C. Service Conditions apply. The provision of housing for the successful candidate may be considered if required.

Application forms obtainable from the undersigned, to whom they should be returned, with the names of three referees, endorsed "Appointment of Assistant Solicitor." Closing date May 18, 1957.

EDWARD S. SAYWELL,
Clerk of the Council.

Council Offices,
Northwood, Middlesex.

FRANK DEE,

INCORPORATED INSURANCE BROKER

30, St. Anns Road, Harrow

Tel.: HARROW 1207/3069

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REMEMBER THE

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RURAL DISTRICT COUNCIL OF EASINGTON

Appointment of Deputy Clerk of the Council

APPLICATIONS are invited for the above appointment from persons with experience in local government law and administration.

The appointment will be subject to the Salary and Conditions of Service recommended by the Joint Negotiating Committee for Deputy Chief Officers. Population 84,000. A car allowance in accordance with the Council's scale will be paid.

The person appointed will be required to devote his whole time to the Council and not engage in private practice or take on any other office without previous consent of the Council.

The appointment will be subject to the Local Government Superannuation Acts and the passing of a medical examination, and will be terminable by three months' notice on either side.

Applicants should give the fullest information of their experience and the names of three referees.

Applications should reach the undersigned by not later than Wednesday, May 29, 1957.

T. AGAR,
Clerk of the Council.

Council Offices,
Easington,
Co. Durham.

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